



Attorney's Docket No.: 11926-015002

1634

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7/24/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Vincent P. Stanton, Jr.
Serial No. : 09/963,333
Filed : September 24, 2001
Title : THYMIDINE SYNTHASE GENE SEQUENCE VARIANCES HAVING
UTILITY IN DETERMINING THE TREATMENT OF DISEASE

Art Unit : 1634
Examiner : A. Chakrabarti

Commissioner for Patents
Washington, D.C. 20231

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RESPONSE

Responsive to the action mailed June 7, 2002, (and further to the Response to Restriction filed May 6, 2002), Applicant further elects the species of SEQ ID NO:7 related to Nt 961 T/C. This election is made without traverse.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

3 JULY 2002

Anita L. Meiklejohn, Ph.D.
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5/30/02

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Serial No. : 09/963,333 Examiner : A. Chakrabarti
Filed : September 24, 2001
Title : THYMIDINE SYNTHASE GENE SEQUENCE VARIANCES HAVING
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Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed March 4, 2002, applicant elects the invention of Group II, claims 27, 38 and 49, drawn to the method of nucleic acid hybridization. This invention election, but not the species election, is made without traverse.

The Examiner stated that claims 28, 29, and 38 are generic to a plurality of disclosed patentably distinct species comprising 9 different polymorphisms and that claims 39, 40 and 49 are generic to a plurality of disclosed patentably distinct species comprising 53 different polymorphisms. The Examiner requested that the Applicant elect a single species for Examination.

Applicant elects species (v) in claim 38 (SEQ ID NO:7 wherein nucleotide 491 is A). This species election is made with traverse. Applicant requests that all of the species in claims 27, 38 and 49 be considered together.

The various polymorphisms in claims 27, 38 and 49 are all in the human thymidylate synthase (TS) gene. SEQ ID NOs:6, 7 and 8 all represent either human TS cDNA or genomic sequences. Each of (i)-(iii) in claim 27, each of (i) - (ix) in claim 38, and each of (i)-(xlii) in claim 49 represents a single nucleotide polymorphism in the human TS gene. Thus, each represents a single nucleotide variation in the same gene encoding the same protein. In fact, as

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Applicant : Vincent P. Stanton, Jr.
Serial No. : 09/963,333
Filed : September 24, 2001
Page : 2

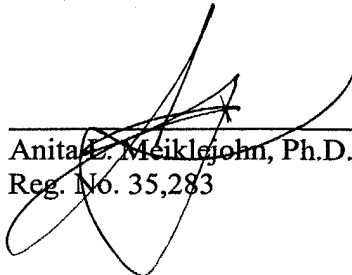
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Table 10 of the specification reveals, none of these single nucleotide polymorphisms cause a change in the amino acid sequence of human TS protein. Thus, Applicant believes that efficient and timely examination of the claims will be greatly enhance by considering all of the species together.

A Petition for Extension of Time with the appropriate fee is enclosed. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 6 MAY 2002



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